

FACT SHEET

Information for Employees on Penalties for False Statements and Records



The COVID-19 Emergency Temporary Standard (ETS) on Vaccination and Testing (29 CFR 1910.501) requires employers to inform each employee of the prohibitions of 18 U.S.C. § 1001 and of Section 17(g) of the Occupational Safety and Health (OSH) Act, which provide for criminal penalties associated with knowingly supplying false statements or documentation (29 CFR 1910.501(j)(4)). Employers may use this fact sheet to provide the required information to employees, with translations as necessary to ensure the information is provided in a language or languages the employees understand.

OSHA standards are promulgated under the authority granted by the OSH Act. The OSH Act recognizes that OSHA's ability to protect workers' safety and health hinges on truthful reporting. For that reason, Section 17(g) of the OSH Act, 29 U.S.C. § 666(g), provides:

Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

Section 1001 in Title 18 of the United States Code (*Crimes and Criminal Procedure*) also provides for criminal penalties associated with knowingly supplying false statements or documentation. The provision at 18 U.S.C. § 1001(a) states in relevant part:

Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully

- 1. falsifies, conceals, or covers up by any trick, scheme, or device a material fact;**
- 2. makes any materially false, fictitious, or fraudulent statement or representation; or**
- 3. makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;**

shall be fined under this title or imprisoned not more than 5 years.

False statements or documents made or submitted for purposes of complying with policies required by OSHA's Vaccination and Testing ETS could fall under either or both of these statutory provisions.

The effectiveness of the protections afforded by OSHA's Vaccination and Testing ETS relies on employees providing truthful and accurate information, including, where applicable, proof of vaccination status and COVID-19 test results, to their employers, and on their employers maintaining accurate records of vaccination status and testing results. If OSHA discovers that false statements or documents have been made or submitted, it will consider referrals to the US Department of Justice for criminal prosecution in appropriate cases.

This Fact Sheet is intended to provide information about the COVID-19 Emergency Temporary Standard. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated by OSHA or by a state with an OSHA-approved state plan. However, this Fact Sheet is not itself a standard or regulation, and it creates no new legal obligations.